



APPLICATION ACCEPTED: August 22, 2014
BOARD OF ZONING APPEALS: November 19, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 12, 2014

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2014-BR-184

BRADDOCK DISTRICT

APPLICANT: Tin Tran

OWNERS: Tin Nguyen Tran
Vo Phi Tuong

STREET ADDRESS: 7417 Elgar Street, Springfield, VA, 22151

SUBDIVISION: North Springfield, Section 12, Block 25

TAX MAP REFERENCE: 71-3 ((4)) (25) 0021

LOT SIZE: 10,500 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit shed to remain 2.5 ft. from side and rear lot lines and to permit reduction in certain yard requirements to permit construction of addition 10.4 ft. from side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-BR-184 for the addition with adoption of the proposed development conditions contained in Appendix 1.

Megan Duca

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

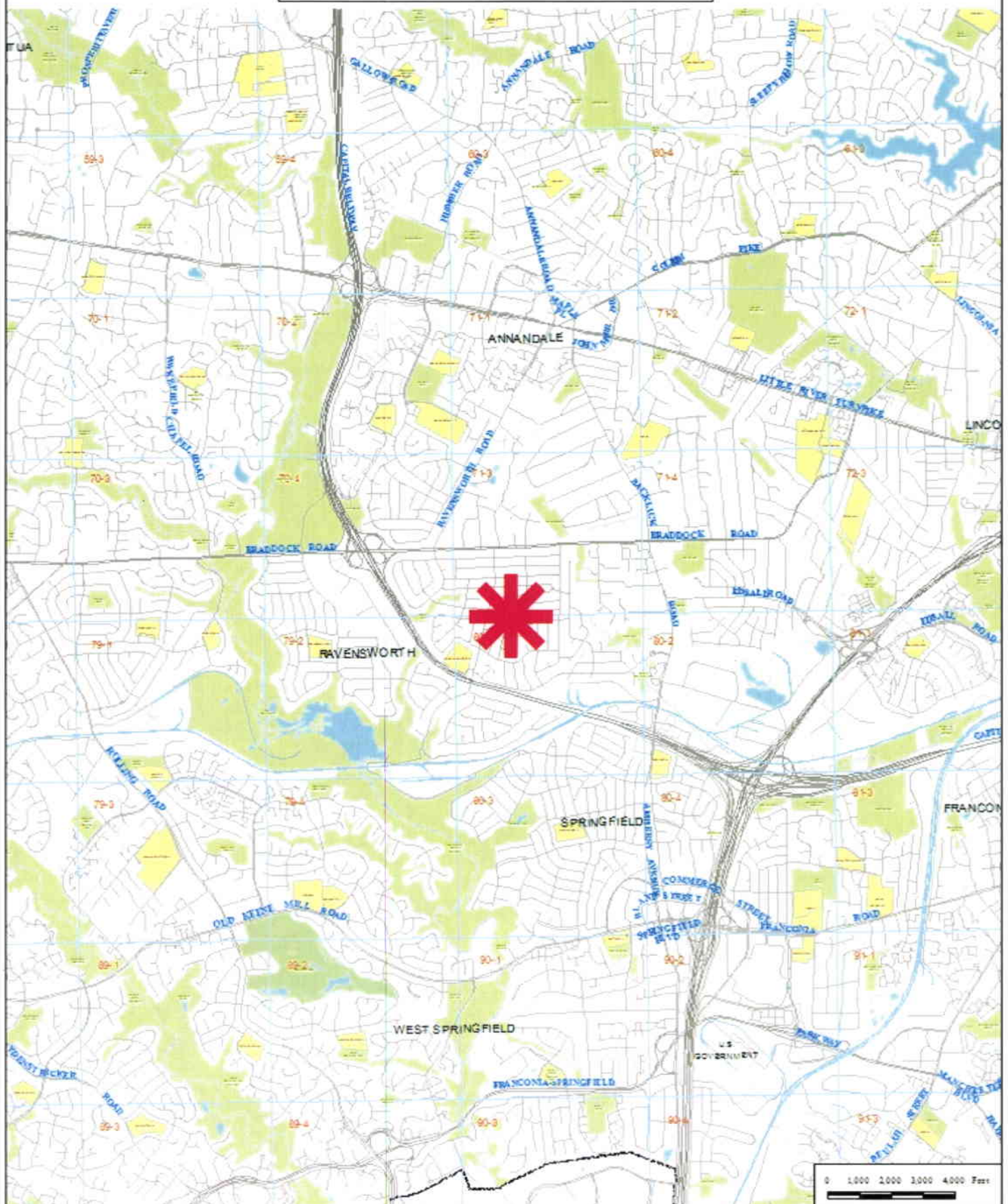
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



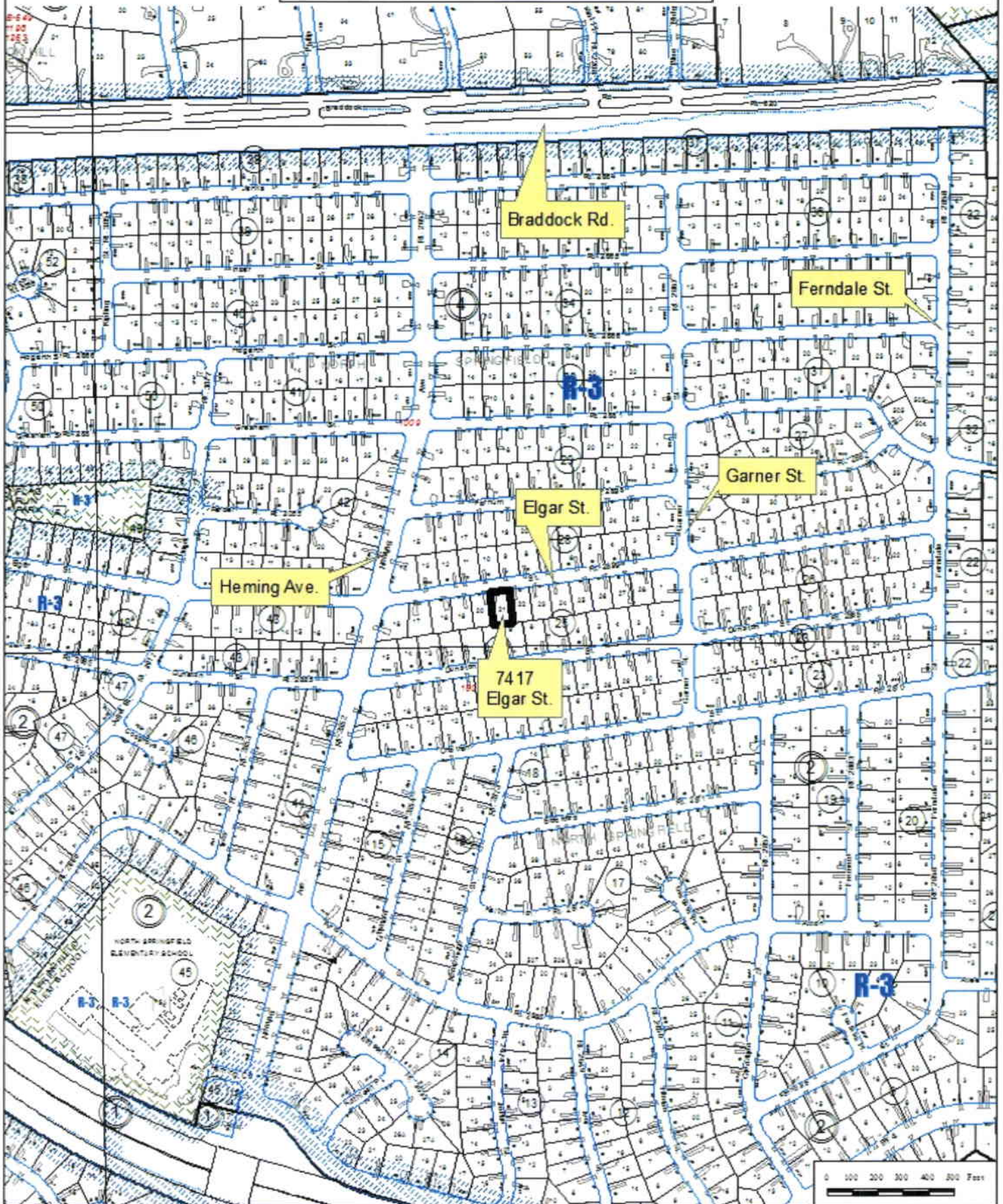
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

SP 2014-BR-184
TIN TRAN



Special Permit

SP 2014-BR-184
TIN TRAN





FRONT OF DWELLING



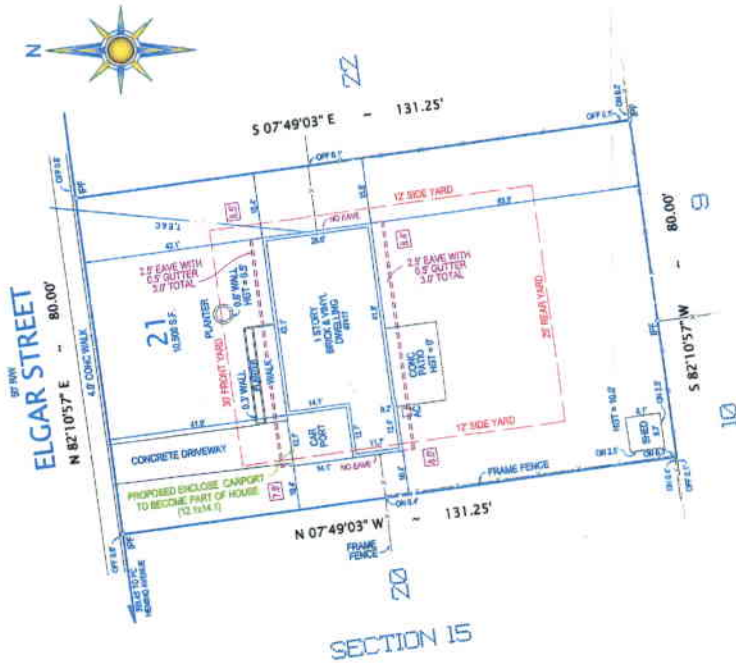
REAR OF DWELLING



LEFT SIDE OF DWELLING



RIGHT SIDE OF DWELLING



NOTES

1. TAX MAP- 0713 04250021
2. ZONE: R-3/RESIDENTIAL 3 DUAC
3. LOT AREA: 10,500 SF
4. REQUIRED YARDS:
FRONT: 30.0 FEET
SIDE: 12.0 FEET
REAR: 25.0 FEET
5. HEIGHTS:
EX DWELLING 15.0 FEET
EX CARPORT 14.4 FEET
CHAINLINK FENCES 3.4 FEET
FRAME FENCES 4.8 FEET
SHED 10.0 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
EX FIRST FLOOR = 1,221 SF
EX CARPORT = 171 SF
GROSS FLOOR AREA = 1,392 SF
- EX FLOOR AREA RATIO: EX. GFA (1,392)/LOT AREA (10,500) = 0.13
13. THE HEIGHTS EAVES ARE TO EXISTING GRADE AND SHOWN THUS [B-4]
14. FENCES ARE CHAIN LINK UNLESS NOTED.

RECEIVED
Department of Planning & Zoning
OCT 15 2014
Zoning Evaluation Division

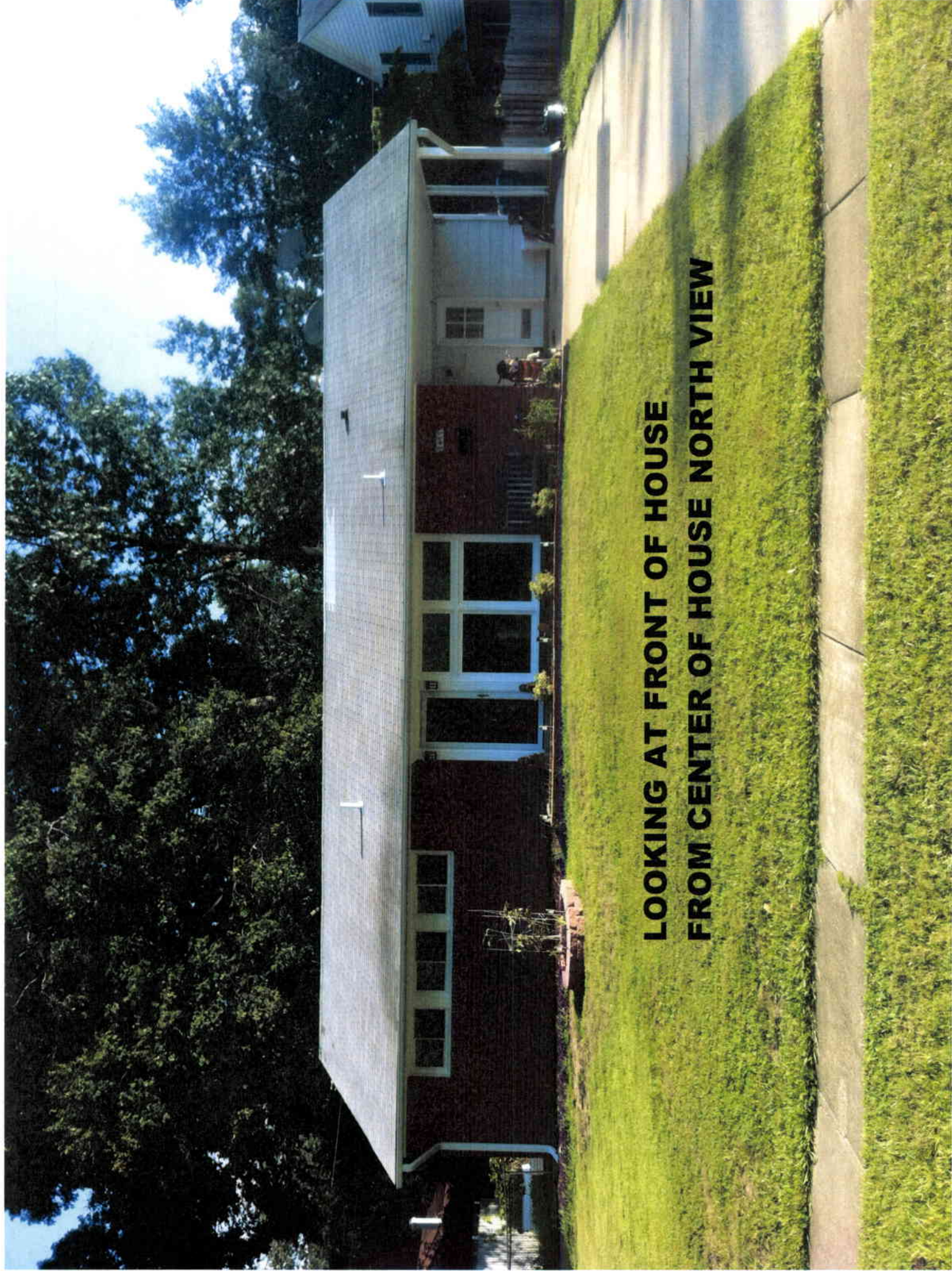
NORTH SPRINGFIELD

FAIRFAX COUNTY, VIRGINIA
BRANDYDICK DISTRICT
SEPTEMBER 8, 2013

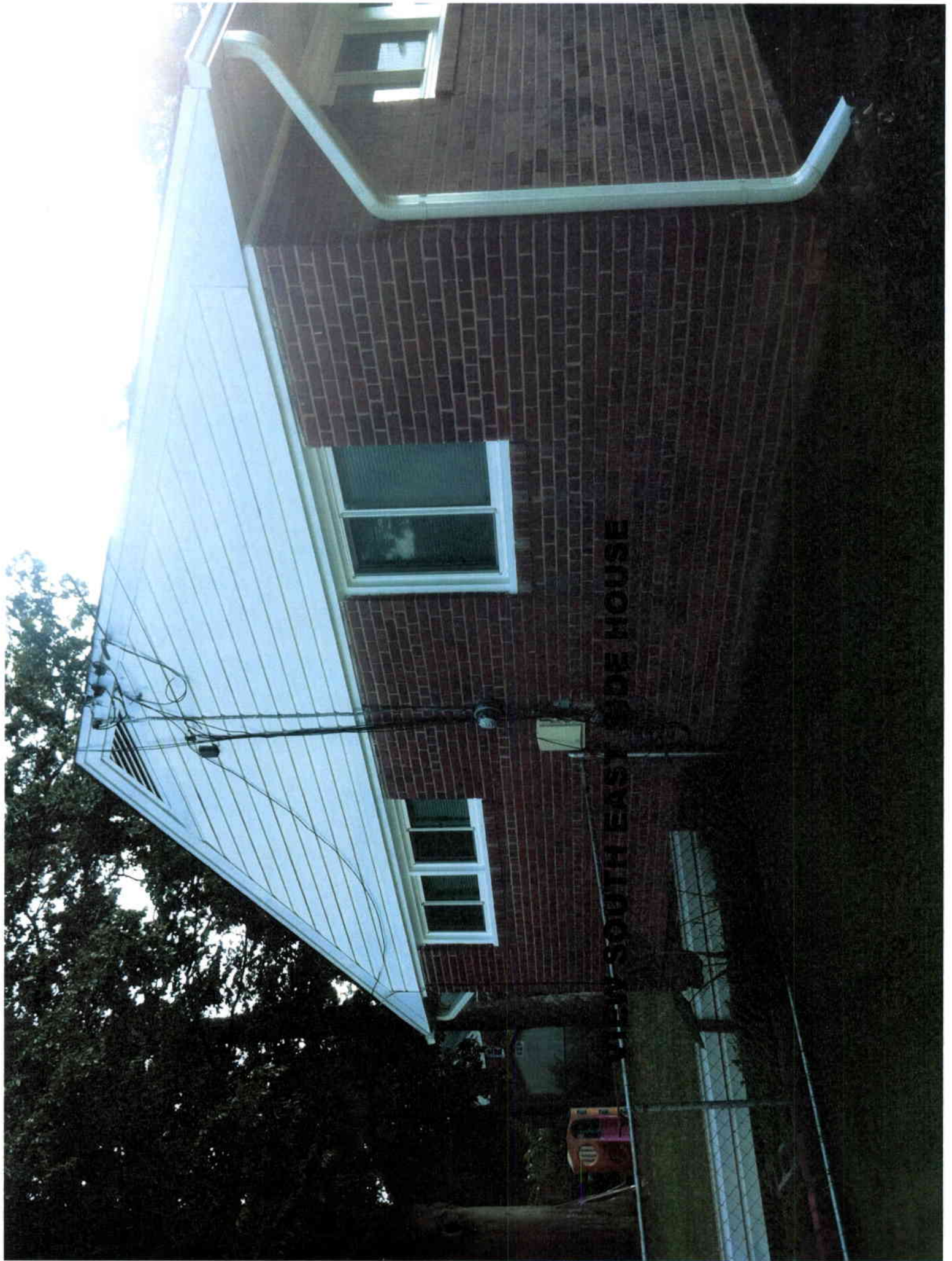
SCALE: 1" = 20'



<p>THESE COPIES, THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND HAVE BEEN BOUND, THERE ARE NO TABLE ENCUMBRANCES.</p>	<p>THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. NORTH IS RECORD NORTH. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.</p>	<p>ORDERED BY: THANH THI HUYNH</p>	<p>NOVA 8655 ROOLEIGH WAY ALEXANDRIA, VA 22315 703-588-6000 FAX: 703-944-6388</p>
<p>COMMONWEALTH OF VIRGINIA 09/06/2013 THOMAS G. LITTLE LANDS JULIAN</p>		<p>PLAT HOUSE LOCATION ON LOT 21, SECTION 15, BLOCK 25 NORTH SPRINGFIELD (SEE BOOK 164, PAGE 246)</p>	



**LOOKING AT FRONT OF HOUSE
FROM CENTER OF HOUSE NORTH VIEW**

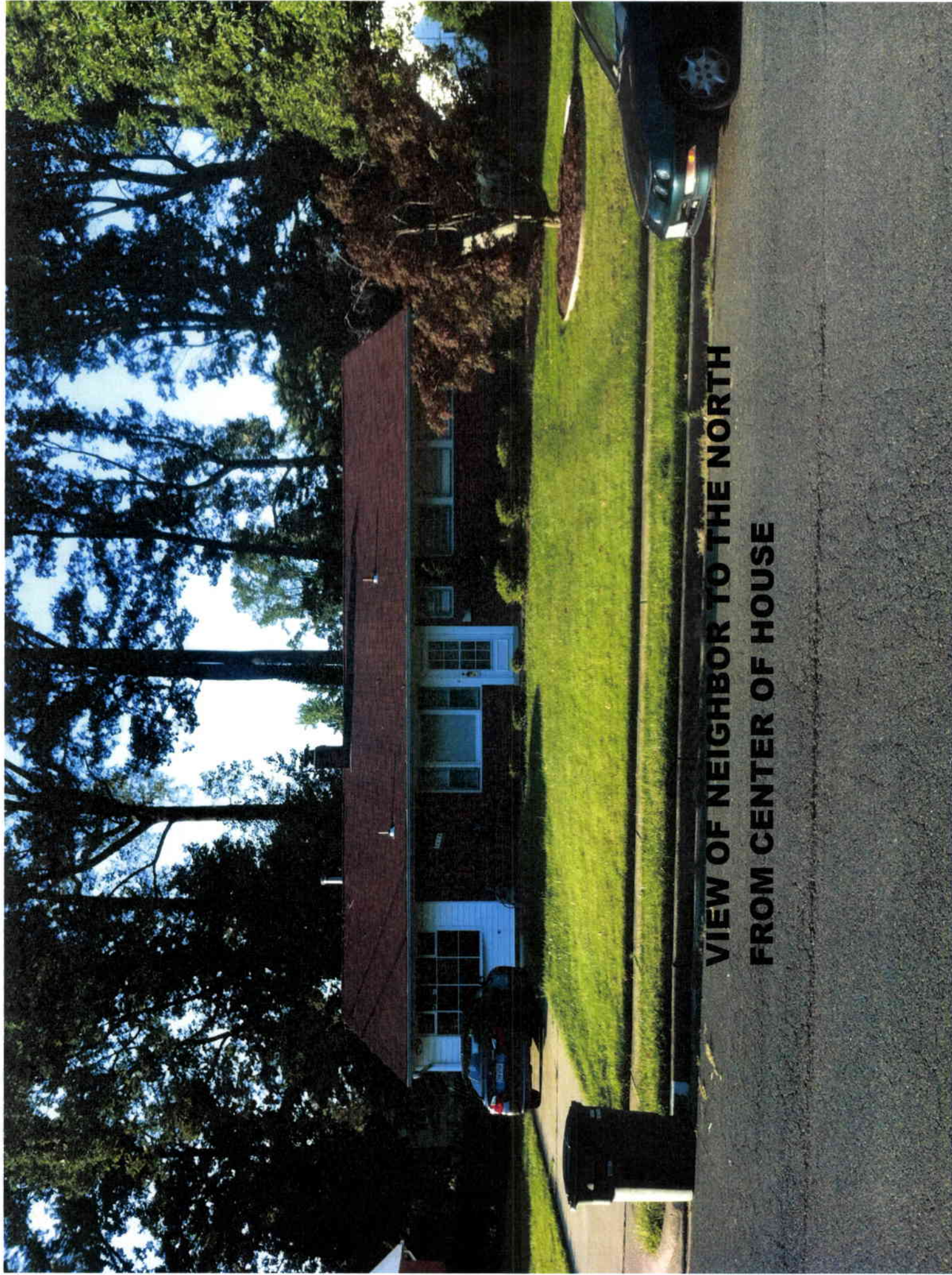


111 SOUTH EAST SIDE HOUSE



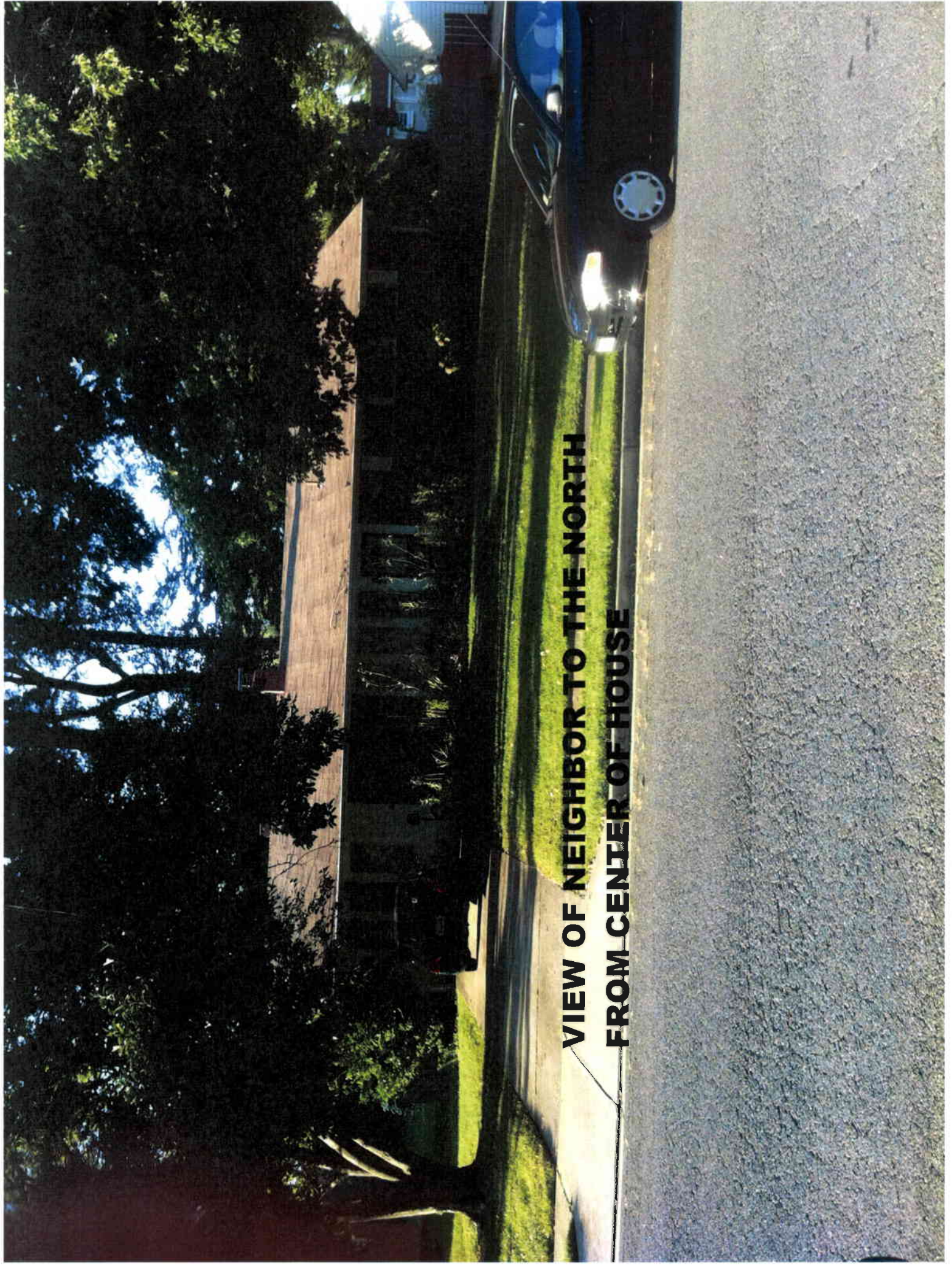
VIEW SOUTH WEST FRONT OF HOUSE





**VIEW OF NEIGHBOR TO THE NORTH
FROM CENTER OF HOUSE**

**VIEW OF NEIGHBOR TO THE NORTH
FROM CENTER OF HOUSE**





VIEW OF SOUTH SIDE OF NEIGHBOR



NEW SOUTH EAST
NEIGHBOR

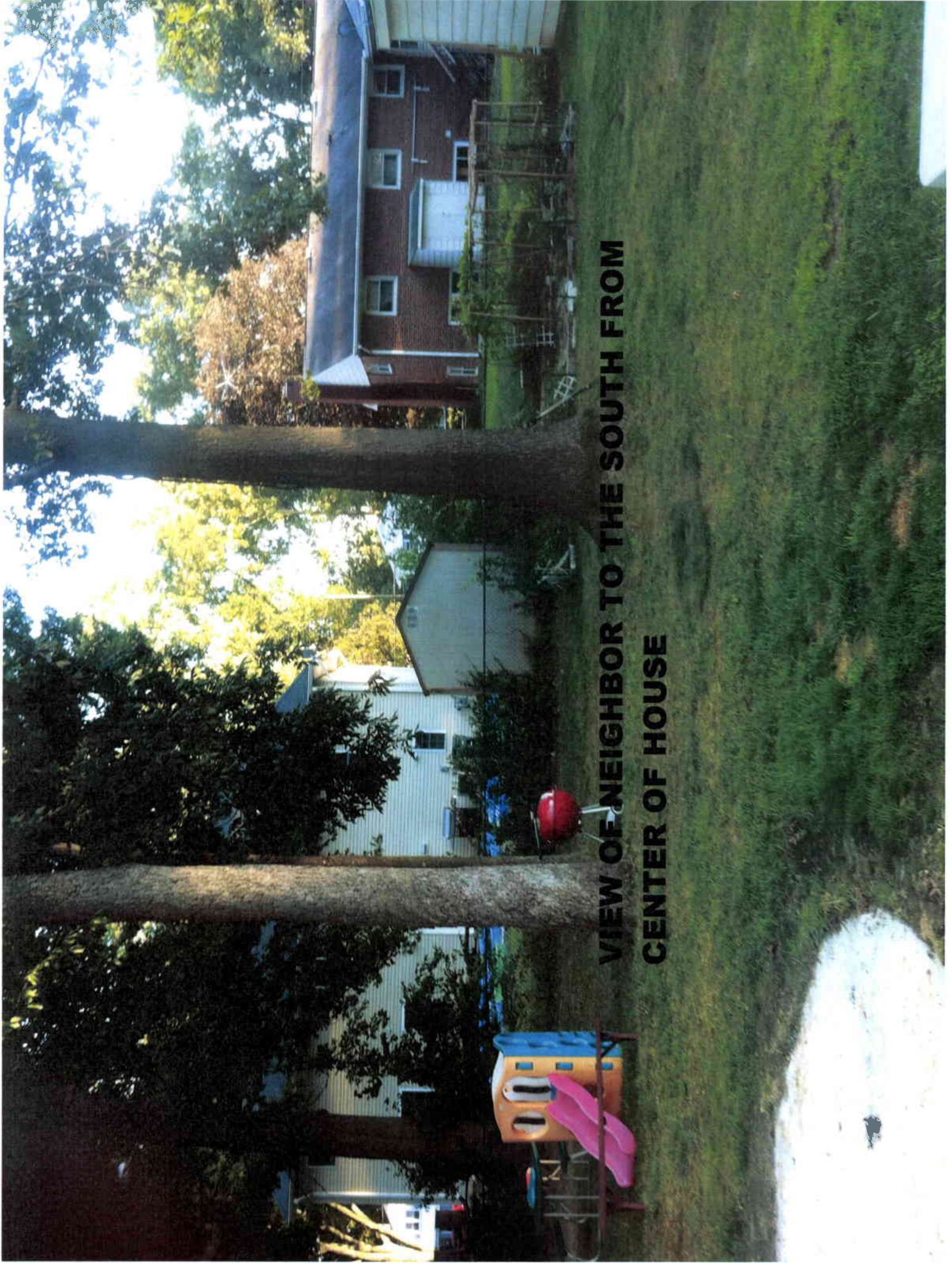


**VIEW OF BACK CENTER OF HOUSE
LOOKING SOUTH**

WEST VIEW OF NEIGHBOR



**VIEW OF NEIGHBOR TO THE SOUTH FROM
CENTER OF HOUSE**



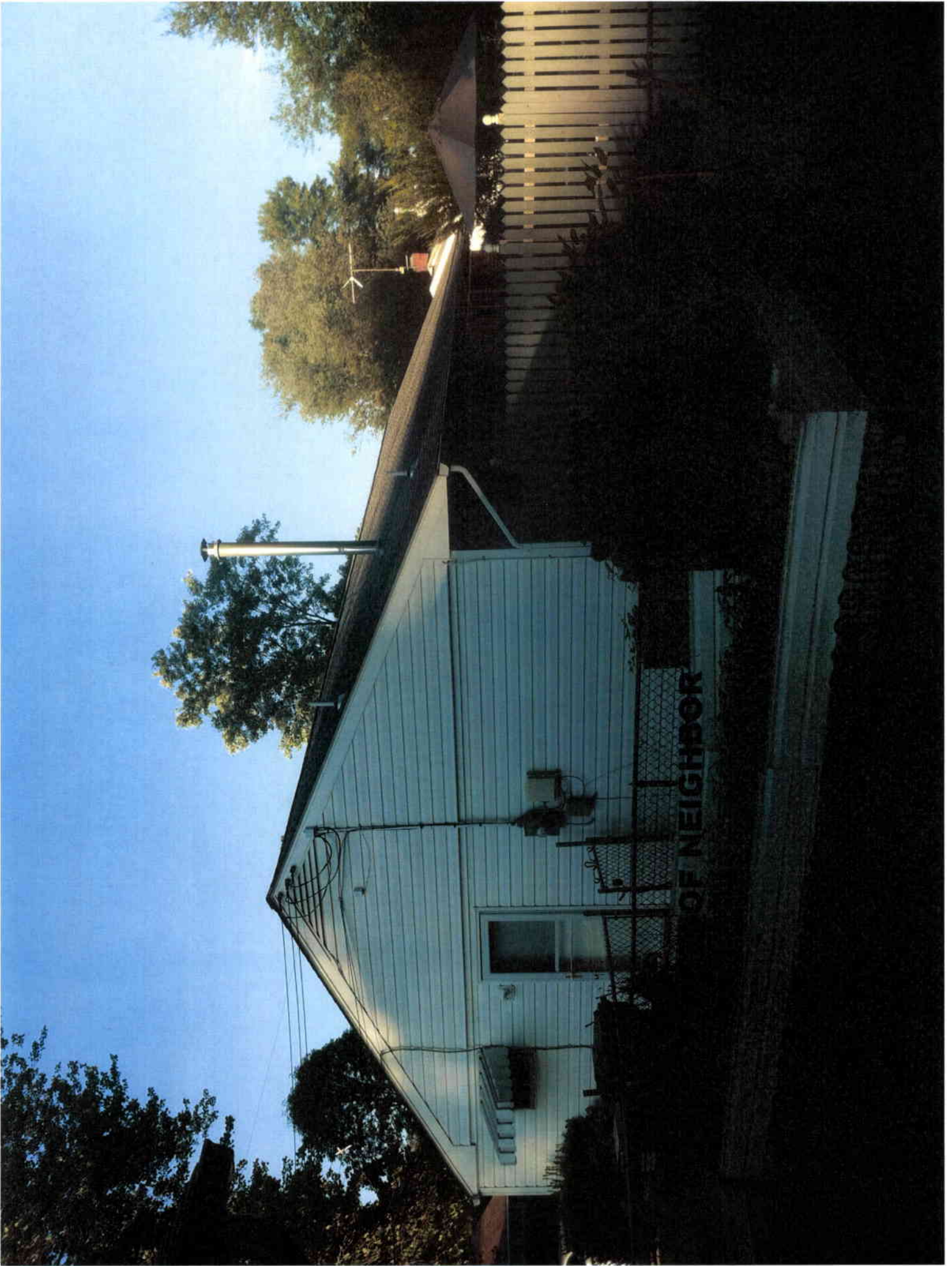


**VIEW OF NEIGHBOR TO THE SOUTH
FROM CENTER OF HOUSE**





VIEW EAST SIDE OF HOUSE



DESCRIPTION OF THE APPLICATIONS

The applicant is seeking approval of two special permit requests. The first request is to permit a shed, 10 feet in height, to remain 2.5 feet from the rear lot line and 2.5 feet from the western side lot line.

Special Permit Request #1

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Shed	Western Side	12.0 feet	2.5 feet	9.5 feet	79.2%
		Rear	10.0 feet	2.5 feet	7.5 feet	75%

* Minimum yard requirement per Section 3-307 of the Zoning Ordinance

The second special permit request is to permit a sunroom addition, approximately 15 feet in height, to be constructed 10.4 feet from the western side property line where the current carport is located.

Special Permit Request #2

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Western Side	12.0 feet	10.4 feet	1.6 feet	13.3%

* Minimum yard requirement per Section 3-307 of the Zoning Ordinance

EXISTING SITE DESCRIPTION

The 10,500 square foot lot is currently zoned R-3 and developed with a one-story single-family detached dwelling constructed in 1956. An existing 171 square foot carport is located at the northwest corner of the dwelling. A concrete driveway near the western property line provides access from the property to Elgar Street. A shed is located in the rear yard of the property near the southwest corner. An at-grade concrete patio is located to the rear of the dwelling. Two planters and a walkway are located in the front yard across the front of the dwelling.

CHARACTER OF THE AREA

The adjacent zoning and land uses are as follows.

	Zoning	Use
North	R-3	Single-Family Dwellings
East	R-3	Single-Family Dwellings
South	R-3	Single-Family Dwellings
West	R-3	Single Family Dwellings



Source: Fairfax County GIS

BACKGROUND

Department of Tax Administration records indicate that the one-story brick single-family detached dwelling was constructed in 1956. According to the House Location Plat approved for the property in 1956, the southwest portion of the dwelling behind the

existing carport was constructed 10.4 feet from the side lot line with the construction of the original dwelling and, therefore, is permitted to remain in its current location. A copy of this House Location Plat is provided in Appendix 4.

Since the adoption of the Zoning Ordinance, similar applications have been heard by the Board of Zoning Appeals for nearby properties as shown in Appendix 5.

ZONING ORDINANCE REQUIREMENTS (See Appendix 6)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included as Appendix 6. Subject to development conditions, the special permit must meet these standards.

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standard 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. Staff believes by observation of the neighborhood through submitted photographs and through aerial images that the addition will not adversely affect the use or development of neighboring properties. The general character of the residential neighborhood is single family dwellings. The proposed addition is of a similar style to the existing home on the property and other single family dwellings in the neighborhood.

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a

portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing dwelling is 1,221 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 1,831.5 square feet in size for a possible total square footage at build out of 3,052.5 square feet. The proposed addition is approximately 171 square feet in size, for a total square footage of the house, with the addition, of 1,392 square feet. Therefore the application meets this provision.*

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and statement submitted indicate that the materials, size and scale of the proposed sunroom addition will be compatible with the existing structure. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure, which is approximately 15 feet in height. Staff believes the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. It appears the proposed addition is compatible with the surrounding houses in the neighborhood. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the addition is modest in size and scale and will not impact the use and/or enjoyment of adjacent properties. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the proposed structure; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Staff believes the western side yard would be an adequate location for a proposed addition as there is already an existing carport in this area that the applicant proposes to enclose. In addition, the rear of the existing house is located 10.4 feet from the western side lot line, which is located within the required 12-foot side yard setback as shown on

an approved plat for the property in 1956. The proposed sunroom addition would be similarly located approximately 10.4 feet from the western side lot line. No trees will be removed with the construction of the addition. Other issues of steep slopes, floodplains, wells, easements and preservation of historic resources are not applicable to this site. Therefore, staff believes that the application meets this provision.

CONCLUSION

With respect to the request for reduction in yard requirements to construct the proposed sunroom, staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

RECOMMENDATION

Staff recommends approval of SP 2014-BR-184 for the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. House Location Plat from 1956
5. Similar Case History
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

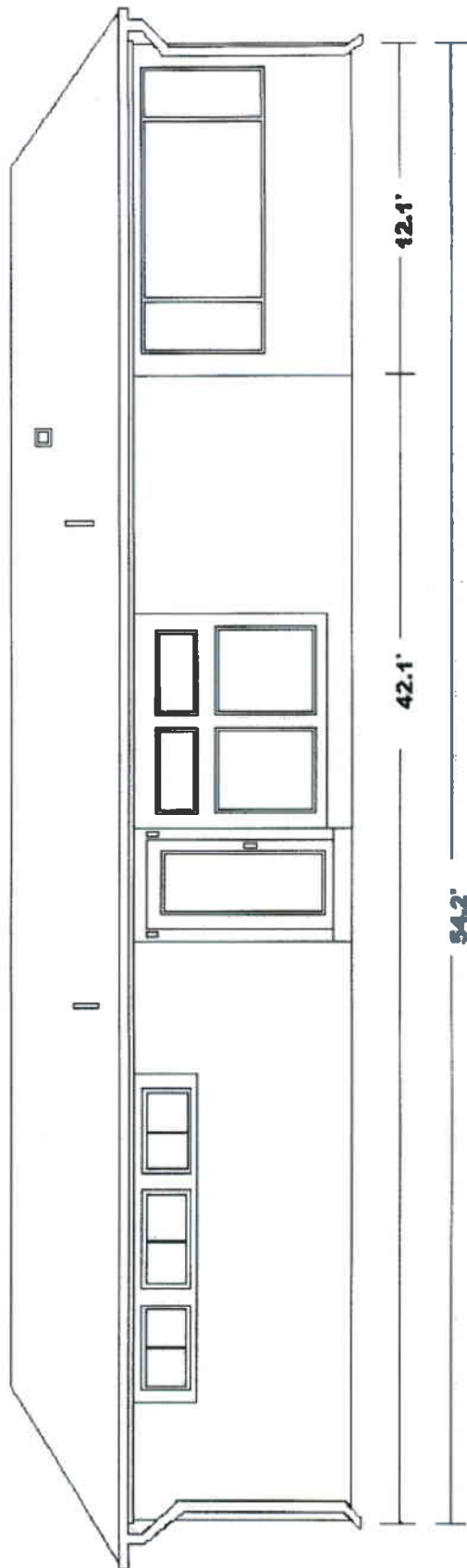
SP 2014-BR-184

November 12, 2014

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the garage addition and shed located as shown on the special permit plat, prepared by NoVA Surveys, dated September 6, 2013, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,221 square feet existing + 1,831.5 square feet (150%) = 3,052.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The sunroom addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



PROPOSED NORTH ELEVATION

EX. DWELLING HEIGHT = 15.0 FEET

PROPOSED WEST ELEVATION

EX.DWELLING HEIGHT = 15.0 FEET



Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/9/2018
 (enter date affidavit is notarized)

I, Tin N. Tran
Phi T. Vo, do hereby state that I am an
 (enter name of applicant or authorized agent) 125506

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Tin N. Tran	7417 Elgar St	husband &
Phi T. Vo	Springfield, VA 22151	wife
		Co. owners of property

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/9/2013
(enter date affidavit is notarized)

125506

l(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

N/A

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/9/2013
(enter date affidavit is notarized)

125506

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

9/9/2013
(enter date affidavit is notarized)

125506

1(d). One of the following boxes **must** be checked:

- ☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

NO

- ☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐

There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

125506

DATE: 9/9/2013
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant ☐ Applicant's Authorized Agent

[Signature] (husband)
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 9 day of Sept 2013, in the State/Comm. of Fairfax, County/City of ANNANDALE

My commission expires: 02-28-2015

Notary Public



LYNNA J. AGUILAR
Notary Public
Commonwealth of Virginia
My Commission Expires 2-28-15
Commission ID# 7129715

Tin Tran
7417 Elgar St
Springfield, VA 22151

Department of Planning & Zoning
Board of Zoning Appeals Support Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22030

RE: Special Permit for current setback requirement for carport enclosure
Tax Map 0713 04 50021
Property of Tin Tran & Phi Vo
Owners and Applicant 7417 Elgar Street, Springfield, VA

The following is a statement of justification for the above referenced Special Permit application. The application lives at the above referenced property on a street in the subdivision of North Springfield. The variance requested would allow of an existing carport with a ten-foot setback into a sunroom, where a twelve-foot setback is currently required by the Zoning Ordinance. The proposal does not expand the building footprint or roofline beyond existing, which conformed to zoning regulations at the time.

As justification for the request variance:

- 1) The home was constructed in 1954 with a ten- foot setback.
- 2) The existing carport setback is pre-existing condition not created by current owner.
- 3) Strict compliance with setback requirements would deprive the owner of the ability to have enclosed sunroom, which is standard in more recent residential development.
- 4) Due to location of structural beam, standard sunroom addition is difficult, which resulted in the proposal ten-foot setback.

Strict compliance with current setback requirements would deprive the property of privileges enjoyed by other properties within the R3 Zoning district that are allowed carport enclosure. Further, the hardship(existing twelve-foot setback) that prevents enclosure of the carport into sunroom consistent with Code standards was not self-imposed and reasonable options to comply with these Code requirements do not exist.

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Item:

5.00

The proposed usage for the carport enclosure is to convert it over into sunroom.

The sunroom is mainly intended as a room that the kids can store their toys and also use the room as a play area.

5.07

Building Façade:

Roof running across house and carport will have no changes made.

Roof shingles are light grey in color.



From the North view of the house, area where the enclosed carport will be enclosed will have the following building façade:

Exterior wall, 12.1' width, will be completely cover with white vinyl siding.

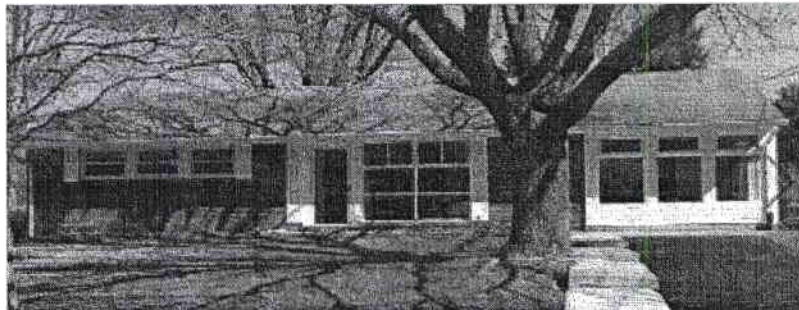
One white vinyl sliding window will be install.

Specs for window:

Dimension: 96 in. X 48 in.

LowE Glass/ Energy Star Rated

Example of what carport enclosure will look like, only difference is window:



From the West view of the house, area where the enclosed carport will be enclosed will have the following building façade:

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Extend existing white vinyl siding to cover exterior wall which is 14.1' in length.

One white lift hand Inswing French Patio Door will be install.

Specs for French Door:

Dimensions: 72 in. X 80 in.

LowE Glass/Energy Star Rated

The enclosed carport dimensions will be 12.1' width, 14.1' length and 8.0' height.

Total square foot will be the following:

(refer to Notes, number 12 on plat map)

EX. First Floor = 1,221 SF

EX. Car Port = 171 SF

Gross Floor Area = 1,392 SF

EX. Floor area ratio: EX. GFA (1,392)/ Lot Area (10,500) = 0.13

5.08

No hazardous or toxic substance will be used.

5.09

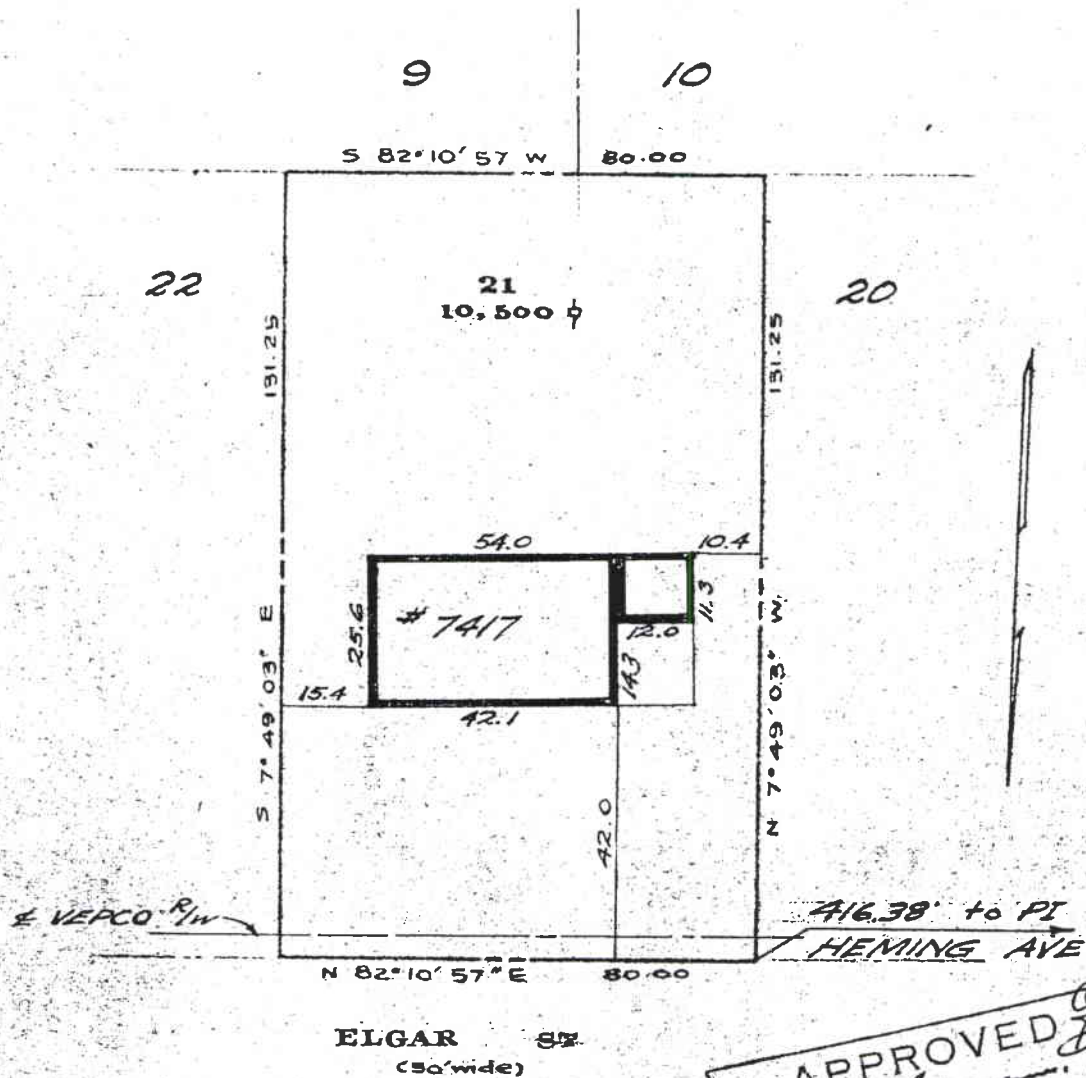
The proposed development confirms to the provisions of all applicable ordinances, regulations and adopted standards. If any waiver exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

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HOUSE LOCATION SURVEY
 LOT 21 BLK 25 SEC 12
 NORTH SPRINGFIELD
 MASON MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VIRGINIA



CERTIFIED CORRECT
 Herman L. Courson
 CERTIFIED LAND SURVEYOR
 7/30/56

NORTH SPRINGFIELD
 SPRINGFIELD, VIRGINIA

SCALE 1" = 30'
 DATE 7/30/56
 DRAWN BY G
 164703

Similar Case History

Group: 00-B -027

SP 00-B -027

APPLICANT: FELMAN, ELLEN N.
 STATUS: APPLICATION APPROVED
 STATUS/DECISION DTE: 07/25/2000
 ZONING DISTRICT: R- 3
 DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 10.4 FT. FROM SIDE LOT LINE
 LOCATION: 7502 HOGARTH STREET
 TAX MAP #S:
 0713 04400003

Group: 85-A -116

VC 85-A -116

APPLICANT: DWYER, JOHN P.
 STATUS: APPLICATION APPROVED
 STATUS/DECISION DTE: 04/08/1986
 ZONING DISTRICT: R- 3
 DESCRIPTION: ENCLOSURE OF EXISTING CARPORT 10.55 FT. FROM SIDE LOTLINE (12 FT. MIN. REQ'D)
 LOCATION: 7410 INZER STREET
 TAX MAP #S:
 0713 04350007

Group: 90-A -003

VC 90-A -003

APPLICANT: MR. AND MRS. SCOTT C SHEPARD
 STATUS: APPLICATION APPROVED
 STATUS/DECISION DTE: 03/30/1990
 ZONING DISTRICT: R- 3
 DESCRIPTION: TO ALLOW ENCLOSURE OF EXISTING CARPORT TO 10.3 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
 LOCATION: 7412 GRESHAM STREET
 TAX MAP #S:
 0713 04300008

Group: 90-A -033**VC 90-A -033**

APPLICANT: TODD L WILSON
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 06/29/1990
ZONING DISTRICT: R- 3
DESCRIPTION: ALLOW ENCLOSURE OF EXISTING CARPORT TO 10.46 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDEYARD REQ.)
LOCATION: 7302 INZER STREET
TAX MAP #S:
0713 04360003

Group: 93-B -026**SP 93-B -026**

APPLICANT: BAUGHAN, RICHARD K. & ELIZABETH F.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 08/05/1993
ZONING DISTRICT: R- 3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DWELLING TO REMAIN 10.5 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDEYARD REQ.)
LOCATION: 7416 ELGAR STREET
TAX MAP #S:
0713 04280010

Group: 93-B -055**VC 93-B -055**

APPLICANT: BAUGHAN, RICHARD K. & ELIZABETH F.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 08/05/1993
ZONING DISTRICT: R- 3
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 10.5 FT. FROM SIDE LOTLINE (12 FT. MIN. SIDEYARD REQ.)
LOCATION: 7416 ELGAR STREET
TAX MAP #S:
0713 04280010

Group: 95-B -019

SP 95-B -019

APPLICANT:	ALLMAN, CONRAD S.
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	06/28/1995
ZONING DISTRICT:	R- 3
DESCRIPTION:	REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 10.5 FT. FROM SIDE LOT LINE
LOCATION:	7600 HOGARTH STREET
TAX MAP #5:	
0713 04400012	

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.

- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

- 2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
- 3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.